REMARKS

Claims 1 to 64 are pending.

§ 102/103 Rejections

Claims 1-3, 5, 6, 8, 10, 11, 16, 17, 20, 24, 25, 29-31, 33, 34, 36, 38-42, 46, 47, 52-55, 57, 58, 62 and 63 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Shiba et al. (U.S. Pat. No. 6,080,480).

The Patent Office asserts that Shiba et al., taken in light of applicants' admissions in the specification concerning the reference and its disclosed adhesive compositions at page 8, lines 29 and 30, either inherently anticipates or renders obvious at least some of applicants' claims, including each of the three independent claims. The Patent Office further asserts that the reference discloses what Applicants' specification teaches, particularly at page 7, lines 5-17, are certain of his preferred electrostatic or electret charge film backings, such as polyolefins including polyethylene and polyesters including PET, both taught as being suitable for being coated with the aforementioned heat activatable adhesive composition(s) which can later be activated if desired during usage, which the Patent Office asserts is essentially all that Applicants' broad article claims 1 and 53, together with method of use claim 29, require. Regarding performance parameters relating to the adhesive activation and the accompanying gel content (i.e. measure of crosslinking) of the adhesive, the Patent Office further asserts that these are to either inherently exist in the aforementioned "preferred adhesives" or alternatively be at most an obvious optimization thereof.

Without agreeing to the Patent Office's characterization of Shiba et al., or admitting that the rejection is even proper, and upon further reading of Shiba et al., Applicants bring it to the Examiner's attention that in the Examples of Shiba et al. (in col. 8, lines 40-44) heat activatable adhesive is coated onto a polyester film that has a corona treatment. Applicants concede that some corona treatments impart electrostatic (e.g., electret) properties to some polymer films. Notwithstanding this, however, it is submitted that such corona treatment for the purpose of modifying surface energy of polymers is common and does not necessarily lead to a cling

backing. Similarly, the mere recitation of various polymer backings does not necessarily make them "cling backings" within the meaning of Applicants' application.

In Applicants' specification on page 5, lines 11-12, the term "cling backing" is defined as "a backing that can cling to a substrate without the use of adhesives or fasteners". The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company, Boston, ©1982, on page 281 (appended hereto as "Attachment A") defines the word "cling" as:

1. To hold fast or adhere to something, as by grasping, sticking, embracing, or entwining. 2. a. To stay near; remain close. b. To fit closely, as to the body: fabr4ics that cling. c. To resist separation. 3. To hold on; remain attached: cling to old-fashioned ideas.

Clearly, films of the polymers recited in Shiba et al. are widely known that do not have cling properties within the ordinary meaning of the term "cling". The Patent Office is again reminded that just because two films have a superficially identical chemical composition, it does not imply that they necessarily have identical cling properties. Applicants refer to their detailed remarks concerning this point that may be found in their previous two Amendments (dated 8/10/05 and 12/28/05).

In order to support an inherency rejection under § 102, it is necessary that the reference disclosure relied upon inherently (i.e., always) has the property (e.g., "cling") in question; for example, MPEP (4th Ed.) in Section 2112, IV., page 2100-57, states:

"The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Hence, it is submitted that Shiba et al. fails to properly anticipate (e.g., by inherency) the subject matter of at least claims 1, 29 and 53.

Regarding the issue of obviousness, Applicants submit that Shiba et al. is directed toward a solution of the problem of premature adhesion and blocking that occurs with adhesives (e.g., see Shiba et al. in col. 7, lines 23-55 and especially lines 23-24 (non-tacky) and 48-49 (excellent in blocking resistance)) prior to activation of the heat activatable adhesive. Applicants further submit that one of ordinary skill in the art would not be properly motivated to increase adhesiveness of the heat activatable article of Shiba et al. (e.g., by using a cling backing) prior to activation, since Shiba et al. essentially teach away from increasing adhesion, absent hindsight reasoning based on Applicants' own disclosure. Hence, claims 1, 29 and 56 are non-obvious in view of Shiba et al.

Claims 1 and 29 (and 56) are patentable for at least the reasons given above. Claims 2-3, 5, 6, 8, 10, 11, 16, 17, 20, 24, 25, 30-31, 33, 34, 36, 38-42, 46, 47, 52-55, 57, 58, 62 and 63 each add additional feature(s) to patentable claims and are likewise patentable.

In summary, the rejection of claims 1-3, 5, 6, 8, 10, 11, 16, 17, 20, 24, 25, 29-31, 33, 34, 36, 38-42, 46, 47, 52-55, 57, 58, 62 and 63 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Shiba et al. has been overcome and should be withdrawn.

Claims 1-3, 5, 6, 10, 11, 16, 17, 20, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over WO '540 (WO 96/08540).

The Patent Office asserts, in light of Applicants' admissions in the specification concerning its adhesive composition at page 8, lines 30-31, that WO '540 inherently anticipates, or alternatively renders obvious a significant number of the claims of the claimed invention. The Patent Office asserts that the paragraph bridging pages 4 and 5 of WO '540 teaches that such tapes or the like made from PVC, polyester, mylar (PET) and polyolefins such as polyethylene and polypropylene are all suitable, and further asserts that that each of these are taught as suitable electret backings by Applicants' specification. The Patent Office argues that such disclosure,

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coupled with the admissions regarding the fact that the disclosed pressure sensitive adhesives are particularly suitable, is essentially all that is required to reject article claim 1.

Without agreeing to the Patent Office's characterization of WO '540, or admitting that the rejection is even proper, Applicants submit that as discussed hereinabove and in previous responses, the mere recitation of PVC, polyester, mylar (PET) or polyolefins such as polyethylene and polypropylene, in and of itself, is insufficient to inherently teach or properly suggest a cling backing. For example, characteristics of PVC cling films (e.g., plasticizer) are discussed in Applicants' prior Amendment dated 12/28/05. It is further submitted that there is no teaching, suggestion, or proper motivation in WO '540 to provide a PVC film that is formulated and formed into a cling film within the meaning of that term. Likewise, it is still further submitted that WO '540 is silent as to providing any of the recited polymers in an electrically charged form (e.g., an electret) that would inherently function as a cling backing. Applicants still further submit that to the extent that corona discharge is discussed in WO '540 (on page 8, line 2), it is for the purpose of removing the wax layer, and hence any resulting article (even assuming arguendo that electrical charge were imparted to it, and without admitting that such is the case) would not have a heat activatable adhesive.

Applicants respectfully submit that the disclosure in Applicants' specification of thermoplastic polymeric materials that can maintain an electret charge (e.g., on pages 7 and 8 of Applicants' specification) includes materials that can maintain an electret charge if one is imparted to the material, for example, according to a process such as one described in Applicants' specification on page 6 paragraph bridging page 7.

Claim 1 (and claims 29 and 53) is patentable for at least the reasons given above. Claims 2-3, 5, 6, 10, 11, 16, 17, 20, 24, and 25 each add additional feature(s) to patentable claim 1 and are likewise patentable.

In summary, the rejection of claims 1-3, 5, 6, 10, 11, 16, 17, 20, 24, and 25 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over WO '540 has been overcome and should be withdrawn.

§ 103 Rejections

Claims 4, 7, 9, 12-15, 18, 19, 21-23, 26-28, 32, 35, 37, 43-45, 48-51, 56, 59-61 and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiba et al.

The Patent Office applies Shiba et al. substantially as set forth above and asserts that such parameters as the presence of cling vinyl, a semi-crystalline polymer heat activatable adhesive, the presence of an "auxiliary adhesive", presence of continuous and discontinuous adhesives, presence of image-receiving layers and graphic images, and the use of polypropylene and ionomers as compositions suitable for forming the cling backing are obvious modifications to one of ordinary skill in the absence of unexpected results.

Without agreeing to the Patent Office's characterization of Shiba et al., or admitting that the rejection is even proper, Applicants submit that claims 1, 29 and 56 are patentable over Shiba et al. for at least the reasons given hereinabove. Claims 4, 7, 9, 12-15, 18, 19, 21-23, 26-28, 32, 35, 37, 43-45, 48-51, 59-61 and 64 each add additional feature(s) to patentable claims and are likewise patentable.

In summary, the rejection of claims 4, 7, 9, 12-15, 18, 19, 21-23, 26-28, 32, 35, 37, 43-45, 48-51, 56, 59-61 and 64 under 35 U.S.C. § 103(a) as being obvious over Shiba et al. has been overcome and should be withdrawn.

Claims 4, 7-9, 12-15, 18, 19, 21-23 and 26-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '540.

The Patent Office applies WO '540 substantially as set forth above, with claims 29 and 53 not believed to be anticipated only because of an absence of the relatively conventional process steps of activating by heating the adhesive layer of the cling article. The Patent Office asserts that the remaining dependent claims not either expressly or inherently disclosed are each obvious modifications to one of ordinary skill, in the absence of unexpected results.

Without agreeing to the Patent Office's characterization of WO '540, or admitting that the rejection is even proper, Applicants submit that claims 1, 29, and 56 are patentable over WO '540

for at least the reasons given hereinabove. Claims 4, 7-9, 12-15, 18, 19, 21-23, 26-28, 30-55, and 57-64 each add additional feature(s) to patentable claims and are likewise patentable.

Hence, the rejection of claims 4, 7-9, 12-15, 18, 19, 21-23 and 26-64 under 35 U.S.C. § 103(a) as being obvious over WO '540 has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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All correspondence and inquiries should be directed to Reference Division, Houghton Mitthin Company One Beacon Street, Boston, MA 02108

Library of Congress Cataloging in Publication Data Main entry under title:

American Heritage dictionary.

Rev. ed. of: American Heritage dictionary of the English language. New college ed. c 1976.

1. English language—Dictionaries. 1. Morris, William, 1913-

PE1625.A34 1982 423 82-9346

ISBN 8-395-32943-4

18BN 0-395-32944-2 (thumb index)

ISBN 0-395-33959-6 (deluxe edition)

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réces / **33599** secoid into a halt 2. To raise the lower corners of (a square sain by means of clew lines: [ME cleve < OE cleve.] Sew line v. Naus. A so the yard or most. Nam. A rope used to roise the clew of a sail up

elliche (klh.sha') n. t. A trite or overneed expression or idea. I Franing: A stereotype or electrotype plate. [Fr. < clicher,

2. Franing A merecitype or electrotype plate. [Pr. 4. clicher, asterostype.] electrotype.] electrotype.] electrotype.] electrotype. The first produce, such as a detent, as maps into position. 3. An implosive speech sound, common in some African languages, produced by drawing six into the mouth and clicking the tengen. — electrotype electrotype, electrotype. The produce a click or series of clicks. 2. Stang. a. To become a souccess. b. To function well teacher. — To cause to click. [Imit.] —electror electror electror of the family Electridae, characterized by the ability to right useful from an averturated position.

silienrusis (kil'on-tél', kil'on-, kil'-dox-) n. 1. The clients of a professional person taken collectively. 2. A body of customers as patrons. [Fr. chemèle < Lat. clientela, chemistip < dosex elient.

stone elient.]

\$88 (kB) n. A high, steep, or overhanging face of rock. [ME: \$88 (kB) n. A high, steep, or overhanging face of rock. [ME: \$88 \cdot 0.1].—chiffy adj.

\$186 (dweller n. 1. A member of cestain prehistoric indian risks of the southwestern United States who lived in caves in the sides of cliffs. 2. A person who lives in an apartment issue, eas, in a city.—chiff shoulding n.

\$186 (hand) or a city.—chiff shoulding n.

estimaging adj till swallow s. A North American swallow, Petrochelidos perfections, that builds a bottle-shaped mod next on the face of a colf, or bluff or under the caves of a roof, elemanteric (kli-mak/tay-lk, kli/mak-terik) n. t. A period

cipmacteric (kil-mak'tar-ik, kil'usik-iir'ik) n. 1. A penod ic year of life when physiological changes take place in the body. 2. The menopause. 3. A critical stage, period, or year, soil. Pertaining to a critical stage, period, or year, [1.a.]. Conscretions of a dangerous period in life < Ok. klimarisko: skimarisko: dangerous point, ring of a lacider < klimarisko: klimarisko: dangerous point, ring of a lacider < klimarisko: klimarisko: dangerous point, ring of a lacider < klimarisko: klimarisko: dangerous point, ring of a lacider < klimarisko: dangerous dangerous point, ring of a lacider < klimarisko: dangerous point, ring of a lacider < klimarisko: dangerous point, ring of a lacider of a lacider

fermining to or constituting a climax -of-mac theatly

elemate (kB'mit) n. 1. The meteorological conditions, in-closing emperature, principitation, and wind, that charac-persitically prevail in a particular region, 2. A region analysising particular meteorological conditions. 3. A pre-soling condition or atmosphere: a climate of loope [MI cli-mot offs of LL at clima of the kilma, region of the earth.] withmat'le (will'the tol's-[8] n. The meteorological study of atmate. — climatologic (42-16) 2) or all materiologi-nal oil, — climatologis (42-16) 2) or all materiologi-nal oil, — climatologis n. slimax (Kilmaks') n. 1. The point of greatest intensity in a series or progression of events; minimation, 2. Orgasm. 3. a. vertex of statements or ideas in an ascending order of flactorical force or intensity. B. The final statement is such a ishmale (killmin) n. 1. The meteorological conditions, in-

thateries force or intensity. B. The final statement in such a series, 4. The stage in ecological development or evolution in which a community of organisms becomes stable and legin to perpetuate itself.—ner. & ir.s.—maxed, —maxing, sources. To reach or bring to a climax. [Lat, rhetorical glaux < Gk. klimax, ladder.]

chind (kins) edimbed, elimbing, climbs, —n. To move approximate, nop. by using the bands and lean ascend: climbed consonaire. —in T. To rise or move up, esp. by using the bads and feet climbed up the ladies. S. To reach a higher aster, cank, or condition. J. To short or slope upward: a higher aster, cank, or condition. J. To short or slope upward: a higher aster. Solvent come of the control of the c

contracted (ki/ma-ba) self.

constracted (ki/ma-ba)

constra 3 A climbing iron

dimbing tumitory a. A weak-stemmed climbing vine, Adlu-sia fungssa, of eastern North Americs, having spurred

Sign Jangson, of eastern North America, narring spinish pinkish or white flowers.

Simbling beenpweed a A twining vine, Mikania standens, if asstern and central North America, having clusters of issultwhite flowers.

shimbing from n. An iron but with spikes or spurs attached, stach can be strapped to a show or boot used in climbing shinbing perch n. A freshwater fish, Anabus testadinan, of

tropical Asia, capable of moving along the ground with the aid of its gill covers and pectoral fins.

clime (thm) s. Climate. [Mtl. region of the corth < Ll.at. clima < Ck. klima.]

climacycaph also climacycaph (klimacycaph) a. A tepre-

sentation of climatic data in which one alimatic factor, such as temperature, is picted against another such as moisture

minimae (Alteration of CLENCH).

clindres (Alteration of CLENCH).

clindres (Alteration of A. A person who clinches, Z. A. nail or bolt for clinching, 3. A tool for clinching nails or botte.

4. Informat. A decisive point, fact, or emaste, esp. one hald

cline (slin) n. Ecol. A series of differing characteristics within members of a species or population, resulting from gradual changes or transitions in the environment. (< Gk.

which the harges of a species of population, teaming from gradual changes or transitions in the environment. (< Gir. klimin, to team 1—citicos (kifinol) mit—citino suff. Slope: mulcime [< Gir. klimen, to lean.]

cling (kling) intro-citing (kling), climping, citings. 1. To hold fast or adhere to something, as by grouping, stocking, or entiwining, 2. B. To stay near; remain close b. To fit closely, as to the body: fabrics that close, C. To resist separation.

3. To hold on: mutain attached: cling to obligitationed lifetim.

—A clingstone, (Allegelich) n., yl. clingfish or district. Any of various small merces lishes of the family Gobiescocide, hering an adhesive disk under the from part of the body by which it fastens likeli to rocks and seaweed.

Ching-stone (kling'ston') n. A finit, esp. a peach, having polythat adheres partially to the stone. —sting'stone will clinic (kling'stone) in the clinic (kling'stone) in the clinic (kling'stone) in the clinic (kling'stone) and treated. B. A class receiving such instruction. 2. An institution associated with a hospital or toodical school that deals clienly with outpatients. 3. A medical establishment in by several specialists working in cooperation. 4. A center of the cooperation.

neas curry with outputerns. 2. A treation estationismismism run by several specialists working in cooperation. 4. A center that offers counsel or instruction: a vacational clinic; a sensis clinic. [Fr. clinique * Lat. clinicus, physician * Gk. klinikos * kline, ted * klinein, to reclinic. Physician * Gk. clinic suff. 1. Sloping: socilinic. 2. Platring a specified number of oblique axial intersections: iriclinic. [* Gk. klinein, to loss.]

lean.)

clinifest (clinifest) adj. 1. Ol, permining to, or consected with a clinic. 2. Of or pertaining to direct observation and treatment of patients. 3. Very objective and developed of emotion; analytical: gave a limited description of his financial predicament.—entiricatly ade.

clinical pathology n. The scientific study of the diagnosis and treatment of disease through taboratory analysis of clinical vaccioners. —et fixets.

chinical specimens, as tissue.

clinical thermometer n. A small self-registering glass thermometer used to measure body temperature.

clinical necking body temperature.

in bondor, England]

clinker (kling kur) n. 3. The incomburable residue, fused into an irregular lump, that remains after the combustion of coat, 2. A partially virified brick or a mass of bricks fused together. 3. An extremely hard burned brick. 4. Virified matter expelled by a volcano. 5. Stang. A mistake or land, esp. in a musical performance. — into exect, sering. — ens. To creat clinkers in burning, as rood does, (Obs. Du. klincknerd < MEm. klinken, to clink.)

Clinker-built (klingfort-bilt) adj. Built with overlapping plasks or boards, as a stup [- obs. clinker, clinch-snill < ME clinken, prob. var. of clenchen, to clench < OE (be)clencus.)

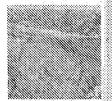
Clink-stone (klingk'ston') n. Phonolite.

Clink-stone (klingk'ston') n. Phonolite.

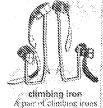
olino- or olin- pref. Slope; slopt: clinometer. [SLot. < Ck. klinein, to slope.]

olimonre-ter (kli-nom'i-ter) n. An instrument for measuring the angle of an incline, as of an embankment. —ciron-mottic (-no-met'rik), ell'no-met'ri-cel adj. -- climom'e-bry n.

eiitt Dover, England



cliff dweller An Indian Cliff dwelling





ciimbing perch

289/1 roar/s sauce/sh ship, dish/3 tight/ti-thin, path/th-this, bathe/ü-cnt/ü-urge/v-valee/w-with/y-yes/z-zebra, size/ Mossion / s about, item, edible, gattop, circus / œ Fr. ten, Ger. schön / û Fr. tu, Ger. über / κπ. Ger. ich, Scot. icch/ Ν Fr. box.